

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TRACY SEARS, Individually;

Plaintiff,

v.

THE BOEING COMPANY, as Illinois
Corporation licensed to do business in the
State of Washington; and, JAMES
MORRISON, individually and together
with "JANE DOE" MORRISON and the
marital community composed thereof;

Defendants.

No. 2:11-cv-01998

DECLARATION OF VALERIE L.
HUGHES IN SUPPORT OF BOEING'S
NOTICE OF REMOVAL

I, Valerie L. Hughes, declare as follows:

1. I am one of the attorneys representing Defendant The Boeing Company ("Defendant Boeing") in this case, and I make this declaration based on my personal knowledge and on the files and records in this case.

2. Defendant Boeing is a corporation incorporated in Delaware. Defendant Boeing's headquarters is located in Chicago, Illinois. Defendant Boeing's high level officers direct, control, and coordinate Defendant Boeing's corporate activities from its

DECLARATION OF VALERIE L. HUGHES
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REMOVAL – 1

03002-1574/LEGAL22228549.1

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3 Chicago headquarters. Defendant James Morrison is a former Boeing employee who is a
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5 citizen of Washington.

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7 3. Boeing has recently learned that Plaintiff's counsel has not served Defendant
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9 James Morrison more than six months after filing of the Complaint on April 26, 2011.
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11 Plaintiff's counsel has filed with the State Court a confirmation that all parties had been
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13 served or had waived service. Yet, from a review of the State Court records on November
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15 22, 2011, Boeing discovered that the State Court records showed no return of service for
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17 James Morrison. Boeing's counsel asked Plaintiff's counsel by letter dated November 22,
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19 2011 to provide Boeing, no later than November 30, with proof of service of process on the
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21 individual defendants or confirmation that James Morrison had not been served. Plaintiff's
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23 counsel has failed to respond in any way to Boeing's request.

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25 4. The amount in controversy in this matter exceeds \$75,000, exclusive of costs
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27 and interest. Although the Complaint does not contain an allegation regarding the specific
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29 amount in controversy, the Plaintiff seeks damages greater than \$75,000 based on the fact
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31 that plaintiff seeks, among other things, special, general, and punitive damages and
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33 attorneys' fees. If Plaintiff were to prove that she had been sexually harassed, an award of
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35 emotional distress damages could be well in excess of \$75,000. Plaintiff testified at her
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37 deposition that Mr. Morrison's alleged conduct caused her to suffer "severe and permanent
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39 emotional distress," miss a significant amount of time at work, and seek professional
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41 counseling. Judgments in sexual harassment cases typically include awards of emotional
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43 distress damages in excess of \$75,000. *See, e.g., Williams v. Seattle Public Schools*, No. 07-
44
45 2-01426-8, 2008 WL 5582682 (King Cty. Sup. Ct. Sept. 11, 2008) (\$125,000 in emotional
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47 distress damages awarded in sexual harassment case); *Subido v. Dills et al.*, 95-2-17472-8,
1997 WL 33642286 (Wash. Sup. Ct. Feb. 2007) (\$450,000 in damages for infliction of

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3 emotional distress in hostile work environment case); *Ho v. Kissinger et al.*, No. 04-1-0608-
4 KSSA, 2007 WL 2350550 (Haw. State Ct. May 2007) (\$120,000 in pain and suffering
5 damages awarded); *see also EEOC v. Mason County Forest Products, LLC*, 2011 WL
6 5419837 (W.D. Wash. July 19, 2011) (settlement of \$450,000 for plaintiff alleging sexual
7 harassment under RCW 49.60—only emotional distress damages at issue).
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14 I declare under penalty of perjury that the foregoing is true and correct.
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16 EXECUTED at Seattle, Washington the 2nd day of December, 2011.
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20 By: s/Valerie L. Hughes
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22 Valerie L. Hughes, WSBA No. 11859
23 VHughes@perkinscoie.com
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DECLARATION OF VALERIE L. HUGHES
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